

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system.

Rulemaking 00-10-002  
(Filed October 5, 2000)

Phase 2

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING EPUC'S MOTION FOR CONTINUED  
PROTECTIVE ORDER REGARDING APPENDIX B**

By Ruling dated October 3, 2001, Law and Motion Judge Victor D. Ryerson granted the June 20, 2001 motion of the Energy Producers and Users Coalition (EPUC) to place certain data under seal. The protected data is in Appendix B attached to EPUC's Comments dated June 20, 2001 on the Draft Decision (DD) of Commissioner Wood. The DD was mailed on June 13, 2001, and addressed essential customer status for refineries.

On September 25, 2002, EPUC filed and served a motion to extend protection of the data in Appendix B. There is no known opposition to the motion. The motion is granted.

Appendix B contains confidential information initially submitted to the California Energy Commission relating to refinery operations and the identification of critical ancillary facilities. EPUC convincingly argues that the information continues to be commercially sensitive. Disclosure of this data

could, for example, provide others with information that might be used to harm competition in the gasoline, diesel fuel and aviation fuel markets. Further, identification of certain facilities critical to refinery operations may create security risks, and result in health and safety concerns for the companies, their employees, and the public in general.

EPUC moves for protection for a period of two years. Protection for two years is consistent with recent Commission rulings on the proper duration for the sealing of data. (See, for example, Rulings in this proceeding dated June 28, 2002, and September 9, 2002.)

**IT IS RULED** that:

1. The September 25, 2002 motion of the Energy Producers and Users Coalition (EPUC) for an extension of a protective order is granted as set forth herein. Appendix B (attached to the EPUC's Comments dated June 20, 2001 on the Draft Decision of Commissioner Wood mailed June 13, 2001 regarding essential customer status for refineries) shall remain under seal for a period of two years, from October 2, 2002 through October 2, 2004. During this period, Appendix B shall not be made accessible or be disclosed to anyone other than Commission staff, except on the further order or ruling of the Commission, Assigned Commissioner, Assigned Administrative Law Judge, or the then designated Law and Motion Judge.

2. If EPUC believes that protection of Appendix B is needed beyond October 2, 2004, EPUC shall file and serve a motion stating the justification for further withholding of the material from public inspection, or for such other relief as Commission rules may then provide. The motion for further protection shall be filed and served no later than 30 days before October 2, 2004.

Dated October 7, 2002, at San Francisco, California.

/s/ BURTON W. MATTSON

Burton W. Mattson  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by regular mail, and by electronic mail on those parties with an electronic mail address, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting EPUC Motion for Continued Protective Order Regarding Appendix B on all Phase 2 parties of record in this proceeding or their attorneys of record.

Dated October 7, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.